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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUL 27 1997
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

Preemption of State and Local Zoning and) MM Docket No. 97-182
Land Use restrictions on the Siting,)
Placement and Construction of Broadcast)
Station Transmission Facilities)

COMMENTS OF THE CALIFORNIA BROADCASTERS ASSOCIATION

The California Broadcasters Association is composed of all the radio and television stations operating within this state. We enthusiastically support the preemption called for in the National Association of Broadcasters' petition and proposed by the Commission aimed at expediting the tower/antennae siting process. A federal preemption of certain state and local restrictions on the placement, construction and modification of broadcast transmission facilities is an absolute necessity if we are to meet the ambitious transition time set for the conversion to digital television.

This is not just a television problem. A large number of California radio stations share space on television towers and may need to rapidly relocate with the addition of DTV antennas to these structures. Even without the current pressure of digital conversion, the absence of federal preemption of local ordinances makes any siting issue miserable for everyone involved.

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Many stations in our state have fought protracted and expensive administrative and legal battles in their local communities over tower siting issues. Frequently, politicians are caught between the objections of a few irate voters (often campaign contributors), and a station that does enormous community service work. When faced with no good choices, they elect to take a tried and true course of action: stall. A federal preemption would end this practice of political huddling within the status quo and relieve the enormous pressure on local officials to enforce a patchwork of regulations which are neither consistent nor receptive to change.

We have asked California stations to provide you with specific examples of their frustrating siting delays under separate cover.



South Carolina Association of Counties

Alzena Robinson, President
Bamberg County

Michael B. Cone
Executive Director

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October 20, 1997

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OCT 27 1997
FCC MAIL ROOM

Office of The Secretary
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

Re: Comments On FCC Rule Making (Docket No. 97-182) Preempting Local Government
Authority In Zoning and Land Use Laws

Dear Sir:

The South Carolina Association of Counties is aware of a proposed Rule Making (Docket No. 97-182) which was issued in August. We have been contacted by many of our member counties expressing their concern. Preempting local zoning and permit authority is harmful to local governments because it extends broad preemption power to the Federal Communications Commission in disproportionate favor of the television and telecommunications industries as a whole. This rule would allow federal intrusion into essentially local community concerns.

We are very concerned with the effect that this action will have on local government authority in enforcing local zoning and land use laws. This particular rule would seriously preempt any local regulation regardless of its necessity to the particular community. Time limits for granting building and zoning requests, which are delineated within this proposed rule, are unrealistic. Automatic approval, should these time limits not be met for any reason, is an irrational mandate for actions which may be entirely prudent.

We understand that even permit requirements for all building and local zoning requests will be preempted unless those local governments prove the requirements are reasonable in order to meet health or safety concerns. The test for what is "reasonable" in this context is not defined. We believe that the word "reasonable" is a relative term with various meanings based on the circumstances of a given fact situation. This issue should be decided by local appeals boards who are directly involved with the enforcement of and granting of variances from the particular ordinance in question. If

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additional adjudication is needed, any further appeals through the state and federal court would be available. This process will allow the consistent operation of a locally adopted ordinance. Allowing any broadcaster who is unhappy with the local zoning decision to appeal directly to the FCC does not create an impartial forum where both sides can equally be represented and heard.

While we realize that the purpose of the rule is to allow for expedient and efficient construction and placement of broadcast towers with their related broadcast transmission facilities, we strongly oppose any effort which will circumvent local governments' ability to protect its citizens. Counties in South Carolina are charged with the responsibility of adopting community rules which protect public safety and property values. This responsibility is neither a charge nor a concern of the FCC. If local standards are circumvented by this rule, the community could suffer and a bad precedent would be established.

The South Carolina Association of Counties, representing the local "home rule" interests of our counties, strongly and emphatically objects to this proposed rule. This is clearly a violation of the 10th Amendment to the U.S. Constitution.

Thank you for your attention to this matter. If we may be of further assistance in resolving this issue, please feel free to contact us.

Sincerely,



Michael B. Cone
Executive Director

cc: S.C. Congressional Delegation

OREGON AVIATION ALLIANCE

To Promote and Preserve Oregon Aviation

Aircraft Owners and Pilots Assn.

Oregon Pilots Assn.

Air Transport Assn. of America

Civil Air Patrol

Columbia Seaplane Pilots Assn.

National Business Aircraft Assn.

NW Rotorcraft Assn.

Oregon Agricultural Aviation Assn.

Oregon Antique & Classic A/C Club

Oregon Flying Farmers

Oregon State Experimental Aircraft Assn.

Port of Portland

Aviation Defense Attorneys

Columbia Aviation Country Club

International 99s

NW Hot Air Balloon Assn.

Oregon Aeronautics Division, ODOT

Oregon Airport Management Assn.

Oregon Aviation Museum

Willamette Valley Soaring Club

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FCC MAIL ROOM

October 22, 1997

Office of the Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Attention: Docket No. FCC 97-182

To Whom It May Concern:

The Oregon Aviation Alliance, representing over 20 Oregon aviation organizations comprising over 8,000 aircraft owners, operators and maintainers is opposed to the Notice of Proposed Rule Making (NPRM); *Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement, and Construction of Broadcast Transmission Facilities.*

The proponents of Digital Television (DTV) have petitioned the Federal Communications Commission (FCC) for the above referenced NPRM seeking permission to circumvent well established state and local zoning protection. But the 1996 Telecommunications Act and associated 47 USC 151 do not preempt or allow state and local zoning laws to be ignored. Accelerated implementation of DTV for commercial and business purposes cannot and should not be accomplished without regard to state and local government zoning and land use restrictions or at the expense of the safety of the flying public.

It is the proper function of local governments to adopt ordinances and land-use codes that protect and preserve the health, safety and welfare of the communities. This includes protection of navigable airspace, especially in the proximity of airports. State and local governments define hazards which are contrary to public interest. They identify hazards that endanger the lives and property of users of airports and land in general. Respecting airports, they determine whether towers and other potential hazards may in effect reduce the size of the area available for landing, taking off, and maneuvering of aircraft,

[Handwritten signature]

Office of the Secretary
Federal Communications Commission
October 22, 1997
Page 2

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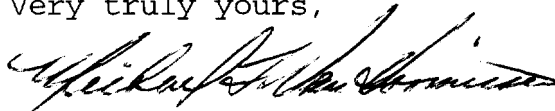
FCC MAIL ROOM

thus tending to jeopardize public safety or to otherwise destroy or impair the utility of the airport and the public and private investment therein.

The FAA has no power to enforce obstruction standards. The Federal Aviation Act of 1958, as amended, does not provide specific authority for the FAA to regulate or control how land may be used involving structures or obstructions that may penetrate the navigable airspace. This is the proper function of our state and local government.

By copy of this letter to our Oregon Congressional members I ask for their support and aid in defeating what is an improper and illegal attempt to circumvent proper authority and function of state and local government.

Very truly yours,



Michael F. Van Hoomissen
President

MVH:rr

cc: Senator Gordon Smith
Senator Ron Wyden
Representative Elizabeth Furse
Representative Robert F. Smith
Representative Earl Blumenauer
Representative Peter DeFazio
Representative Darlene Hooley

MONTROSE COUNTY COLORADO

BOARD OF COUNTY COMMISSIONERS

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FCC MAIL ROOM

October 21, 1997

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Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Attention: Docket No. FCC 97-296

Gentlemen:

On behalf of the Montrose County Colorado Board of County Commissioners, I am writing to you to oppose the Notice of Proposed Rulemaking (NPRM) currently open for comments by the Federal Communications Commission (FCC). Under *NO* circumstances should the FCC preempt state or local zoning laws or land use ordinances to speed up the implementation of Digital Television (DTV) service. The mandate, which allows the FCC to essentially expand its own power to overrule the state, county, and city zoning ordinances, should not be used when approval is necessary for the construction of a broadcast tower.

Due to the following reasons, we are opposed to the NPRM:

- Preemption of the zoning laws at both the state and local level will result in new hazards to aerial operations, aircraft, and passengers in the United States.
- The implementation of the Digital Television (DTV) mandate by congress should not give the FCC free reign over state and local issues which are being handled with due process. The time frame created by congress did not take into consideration all aspects of DTV establishment. The safety of citizens, aircraft passengers, and pilots should not be sacrificed just to meet a time frame mandated by a congress who did not completely understand the magnitude of the DTV construction process or procurement.
- The FCC proposal conflicts directly with the Federal Aviation Administration's (FAA's) mandate to protect the airspace from unsafe obstructions penetrating navigable airspace. This conflict should have been resolved PRIOR to the proposal being opened for comment.

- The FAA is unable to protect ALL airports from obstruction development. The FAA mandate only allows for analysis of effect on public use airports. The FAA has an ongoing program, including published suggestions about how local governments should create zoning laws that protect local airports from obstructions. (See FAA Advisory Circular 150/5190-4A.)
- The FAA regulations pertaining to obstructions cannot be used to enforce the outcome of an aeronautical study. 14 CFR Part 77 only requires that the sponsor of the proposed construction notify the FAA, not follow the FAA's regulations. This proverbial "hole" in the regulations leaves the FAA at a major disadvantage when trying to protect navigable airspace.
- The FAA relies on the FCC to follow FAA recommendations; however, the proposal to override state and local zoning shows extreme motive to allow these tall towers to be erected.
- The NPRM proposes preemption of zoning laws for more than just DTV towers, it also proposes to override determinations by local government when FM antennas are proposed as well.

Sincerely,

A handwritten signature in cursive script, appearing to read "David L. Gann".

David L. Gann, Chairman and
Member of the Montrose Regional Airport Advisory Board

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10:11 AM

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October 16, 1997

Secretary
Federal Communications Commission
Washington, D.C. 20554

Dear Sir:

I am writing in reference to the proposed petition from the National Association of Broadcasters and the Association for Maximum Service Television that would change the rules to give the Federal Communications Commission the authority to preempt local and state zoning and other land-use regulations; and allow the tower industry to construct towers just about anyplace they want to place them. This proposed petition appears to preempt the authority of the Federal Aviation Administration and would take away their authority to determine whether a potential tower poses a hazard to air navigation, enroute flights, or use of airports.

It is imperative that we protect the authority of the FAA and the state and local officials to legislate and to provide zoning ordinances and land-use regulations that will protect public and private airports and all air navigation. Please do not allow this NPRM to be enacted. Please say NO! to Docket No. 97-182 and/or any other proposed rules or legislation that would take away any authority from the FAA and the local and state governing officials.

Sincerely,

Bill & Shuley McManus
RR 18 Box 634-5
Lake City, FL 32025

cc: 3 Copies rec'd
LH: ABCOL

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Broadcaster-backed NPRM would curtail FAA's authority over tower construction

By CHARLES SPENCE

WASHINGTON, DC — Responding to a petition from the National Association of Broadcasters and the Association for Maximum Service Television, the Federal Communications Commission has issued a notice of proposed rule making that would let the FCC preempt local and state zoning and other land-use regulations and permit construction of TV towers just about anywhere the broadcasters want to place them.

The NPRM, as it is written, even seems to preempt authority of the Federal Aviation Administration. Preemption of local and state authority by the FCC would permit tower construction if the lighting and marking were approved by the FAA or the FCC. Thus, if enacted, the FCC — not the FAA — could determine whether a potential tower does or does not pose a hazard.

The problem arises from the change to digital signals for television. The FCC is requiring the affiliates of the top four networks in the 10 top markets to be on the air with digital signals by May 1, 1999. Affili-

ates in the 11th to 30th markets must have their digital facilities by Nov. 1, 1999. All other commercial stations are required to construct their facilities by the year 2002, and noncommercial stations by 2003.

Broadcasters say this accelerated schedule will require extensive tower construction and re-siting. Two-thirds of all existing television broadcasters will need new or upgraded towers, involving more than 1,000 towers. Also, because of the increased weight and wind loading, a large number of co-located FM radio stations will have to be relocated, probably with new tower construction.

The broadcast industry says that local and state laws are inhibiting their progress toward meeting the deadlines set by the FCC. They want the federal commission to have full authority to allow the broadcasters to build where they want to. Aviation interests worry that this could result in hazards to flight.

Henry Ogrodzinski, president of the National Association of State Aviation Officials, said adoption of this rule "could be devastating." He said states, the FAA, airports and local officials have worked long and hard to put tall structures and zoning regulations in place to protect airports and en route flight.

Local zoning commissions, airports and pilot groups are being urged to support the Washington aviation interests by responding to the proposed rule and also to contact their

members of Congress.

Deadline for submitting comments to the FCC is Oct. 30. Comments should be sent to: Secretary, Federal Communications Commission, Washington, DC 20554. Refer to Docket No. 97-182.

Political favoritism?

Timing is important not only in things to do but also in things not to do. Take the timing of an airport grant, for instance.

The FAA announced a grant of \$5 million to the Massachusetts Port Authority on Sept. 10, just days after Jane Garvey took the oath of office as FAA administrator. Garvey had been director of the Boston airport before joining the Clinton administration as deputy

director of the Federal Highway Administration. The money, according to the FAA, will be used to insulate approximately 100 homes in East Boston, Winthrop, Revere and South Boston.

No doubt, the decision to make the grant to Massachusetts was well underway before Garvey took office, and perhaps she might not have been aware of the timing of the announcement. Timing of the release, however, was unfortunate. The new administrator has enough troubles taking over the agency without adding to them with an action that could be seen by some as political favoritism.

Charles Spence is GANews & Flyer's Washington, DC, correspondent.



Capital Comments

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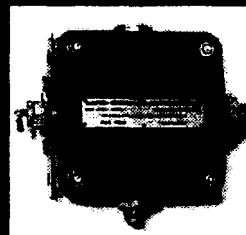
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Worland Airport

October 21, 1997

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FCC MAIL ROOM

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

RE: Preemption of State and Local Zoning and Land Use Restrictions on the
Siting, Placement and Construction of Broadcast Station Transmission
Facilities (MMDocket No. 97-182)

To Whom It May Concern:

Please Take this correspondence as a formal comment **against** the proposed
"Preemption of State and Local Zoning and Land Use Restrictions on the
Siting, Placement and Construction of Broadcast Station Transmission
Facilities "(MMDocket 97-182). Local control of the construction of broadcast
station transmission facilities (towers) must be retained in order to maintain
safety and viability of the nation's air transportation system.

As President of the Wyoming Airport Operators Association (WAOA) I am
aware of many airports in our state that review and comment on numerous
requests for tower installations on or near their airports. Maintaining clear
approaches to runways is critical to the safety and operational efficiency of an
airport. The Federal Aviation Administration, through grant assurances,
requires local airport operators to insure that the approaches are kept clear of
obstructions. The guidance for this clearance is outlined in Federal Aviation
Regulation (FAR) Part 77.

If obstructions are allowed to be placed in areas around an airport that
penetrates FAR Part 77 airspace two things will happen. First, aircraft
operational safety will be jeopardized as the percentages increase for an
aircraft to tower incident. Second, local air commerce is impacted as the
airport's operational minimums are increased to compensate for the additional
obstructions. The only real way for airports to insure that the approaches are
kept clear is to keep that control at the local level with the Airport and local
City/County Development Office.

President
Gary Valentine, Manager
Rocks Springs-Sweetwater County Airport
Box 1987
Rock Springs, WY 82902
(307) 352-6880
Fax (307) 352-6882

Vice-President
Mickey McMillan
220 Wyoming Hwy. 233
Kemmerer, WY 83101-9700
(307) 828-2370
Fax (307) 828-2355

Secretary/Treasurer
Eddie F. Storer
8500 Airport Parkway
Casper, WY 82604
(307) 472-6686
Fax (307) 472-1405

Allowing the Federal government to preempt local control of airspace issues is against existing federal law, is bad policy, and most assuredly will decrease airport safety and commerce.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Valentine". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary D. Valentine
President, WAOA

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City of Phoenix

PARKS, RECREATION AND LIBRARY DEPARTMENT

October 13, 1997

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Winner of the
Carl Bertelsmann
Prize



Office of the Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, DC 20554

Dear Members of the Commission:

Subject: **MM Docket No. 97-182**

This communication constitutes the comments of the City of Phoenix Parks and Recreation Board (the "Board") concerning the Proposed Rule Making relative to "Preemption of State and Local Zoning and Land Use Restriction on the Siting, Placement, and Construction of Broadcast Station Transmission Facilities."

The Board is deeply concerned about the language contained in the Notice of Proposed Rule Making. The Board's interest in such rule making rises from the factual situation and legal analysis set forth below.

Broadcast transmission sites have been located for many years in two City-owned public parks called North Mountain Park and South Mountain Park. The Board is the trustee for the City with respect to these parks, as well as the other 152 City parks totaling 33,128+ acres. It is charged by City Charter with, among other things, the duty to establish operating policies for public recreational facilities and services for these parks and with the right to enter into concessions, licenses, and permits with respect to park property. While the North Mountain Park sites are used by government users only, (the City and the FBI) the Board has issued 97 long term (20 year) licenses for communication sites at South Mountain Park, consisting of 17 television broadcast licenses, 14 radio broadcast licenses, 13 government licenses, and 53 other commercial users. The license agreements grant to the City and the Board the authority, *inter alia*, to insure that the park site will remain protected from environmental damage, and that subsequent use will be in conformity with the license provisions, and that the right of the public to use the park for recreational purposes will suffer only minimal interference from these licensees.

The original park property was conveyed to the City from the federal government for public recreational purposes, and the entire mountain park, expanded through the Mountain Preserve Program, is strictly controlled to minimize impact to its natural desert environment while allowing controlled public access to allow our citizens to enjoy and appreciate that environment in the least harmful way. The Board, and indeed the entire community, consider the mountain preserve park system the signature landmark of the City of Phoenix.

October 13, 1997

It is the position of the Board that the Commission has no jurisdiction whatsoever over the rights of the City, through the Board, to control the use of its own property for public purposes. Our attorneys advise us that there is no provision in the Telecommunications Act which would act to control the right of a property owner in the otherwise lawful use of his or her property. There can be absolutely no contention that private broadcasters have a public police power right to use someone else's property in any way other than as provided by the lease or license document between that broadcaster user (as a tenant or licensee) and the property owner. Any attempt by the government to control property uses in such a way would constitute a **governmental taking** of property without compensation, in violation of the Federal Constitution.

Our concern that this is in fact the agenda of the industry arises from the language of Appendix B. While the heading of the "Proposed Rule Making" speaks in terms of "Local Zoning and Land Use Regulation," the actual proposed language of Appendix B is **in no way limited** to zoning or similar laws affecting land use. It would apply, by its terms, to a local government's use of its own property and would require that government to issue a permit to any applicant to build any facility it wishes, **even on its own land**. The only grounds for denial allowed are very narrow health or safety objectives (which specifically exclude environmental concerns).

The Board feels that the Proposed Rule Making, implying in one place that it is limited to land use or zoning regulations, but actually applying to any government's use of its own land, is grossly deceptive and misleading. In addition, the Board feels that the Proposed Rule is far beyond the jurisdiction of the Commission and is an example of monumental overreaching by private industry to maximize its business interests without regard to the rights of the public to use its own public property for beneficial public uses.

The citizens and taxpayers of Phoenix have voted for extensive bond issues enlarging the City's park areas through the Mountain Preserve Program, willingly increasing their own property taxes to do so. The Commission now proposes to allow broadcasters to construct or expand any facility they wish to increase their private business interests at the expense of the public, which has spent, and continues to spend, its tax dollars to create and support park and mountain environment preservation goals. In fact, it appears that the proposed rules would require the Board and the City to allow broadcast transmission site construction in any City park anywhere a broadcaster might choose, without regard to the presence of children's playgrounds, public golf courses, ball fields, walking paths, etc. The Board feels that it would be acting in derogation of its fiduciary duties to the people of Phoenix if it did not protest such a proposal.

The Board has no opinion on the impact of the Proposed Rule on land use and zoning regulations, since these issues will be addressed by other appropriate City agencies. The Board does request that the Proposed Rule, if it is ever adopted, clearly and specifically exclude from its language any suggestion, inference, or argument that the Commission

Federal Communications Commission

Page 3

October 13, 1997

could preempt the right of the City to control its own land, including park land, in the determination of who or what could use such land and for what purposes. Any adopted rule should explicitly state that the rights of any City to use any land it owns or controls, for whatever it determines to be its municipal public purposes, would in no way be affected by the rule.

For the information of the Commission, the license agreements under which the broadcasters now operate was negotiated with the representatives of various broadcast groups in 1992. The only legal issues which have arisen have been due to subsequent transfers of interest (some voluntary, some through insolvency proceedings) since that date, and these have been resolved through negotiation and consent. The Board has taken the position that all applicants and users must be treated equally and that if an applicant qualifies and is willing to agree to the license term, a license will be issued to it. We have not been advised of any problems of delay and do not believe that any delay has been caused by any deliberate City act. In no instance, to our knowledge, has there been any claim that actual broadcasts have been adversely affected by any application process. Our relationship with the broadcasters, while obviously not without occasional problems, has been marked by a professional, businesslike relationship, with all parties understanding the respective interests of the other and demonstrating a willingness to meet those needs wherever possible. We invited the broadcasters to our Board meeting of October 8, 1997, to discuss this issue and our position. Their local representative was provided with the draft of this letter and has stated no opposition to it. We feel very strongly that we have demonstrated that there is absolutely no need to impose any rules affecting the operations of the broadcasters transmission facilities at any site under the jurisdiction of the City of Phoenix Parks and Recreation Board.

The Board will appreciate your consideration of these comments.

Sincerely,

PHOENIX PARKS AND RECREATION BOARD



Flo Eckstein, Chair

pmh/jkg/ffc.ltr

cc: Mayor Skip Rimsza
Phoenix City Council
Arizona Congressional Delegation



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NORTH CAROLINA AIRPORTS ASSOCIATION

Pinehurst, N.C. 28374

Phone/Fax 910-693-1742

FCC MAIL ROOM

October 23, 1997

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Office of the Secretary
Federal Communications Commission
Washington, District of Columbia 20554

Dear Mr. Secretary,

As President of the North Carolina Airports Association (NCAA) I am responding on behalf of our Association to the Federal Communications Commission in the matter of "Preemption of State and Local Zoning and Land Use Restrictions on the siting, placement and construction of Broadcast Station Transmission Facilities", (MM Docket No. 97-182).

The NCAA is most strongly opposed to this proposed rule for the following reasons:

First and foremost is the issue of aviation safety. As a pilot of over thirty years, my major concerns while flying in terminal approach areas have been: A mid-air collision and striking a tower. Without local Airport and Federal Aviation Administration (FAA) inputs, these towers may become potential killers. The question should not be how rapidly towers may be erected, but where those towers may be positioned. Do not take away the process by which positive control of towers is maintained.

Next, random and uncontrolled placement of towers most certainly will negatively impact air navigation and creates potential interference to existing and future electronic navigation aids and instrument approaches throughout the United States. Time for appropriate studies by the FAA and other agencies is critical.

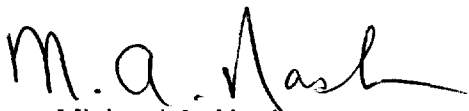
Finally, a primary responsibility of all airport owners and operators is safety in and around their facilities. Towers have a negative safety impact for all the obvious reasons. Zoning and tall structure regulations must be in place for aviation safety to prevail. To deny airports and the FAA the ability to control those potential obstructions is to deny safe operations at and around our country's airports.

[Handwritten signature]

NCAA

With the forecasted increases in air traffic in the United States over the next 10 years, this matter is of paramount importance. Please consider these issues and help to ensure aviation safety.

Sincerely,

A handwritten signature in cursive script, appearing to read "M.A. Nash".

Michael A. Nash
President

MN/dn

Somerset-Pulaski County Airport Board

214 AIRPORT ROAD
SOMERSET, KENTUCKY 42501

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October 20, 1997

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FCC MAIL ROOM

The Federal Communications Commission
Washington, DC 20554

Gentlemen:

The Somerset-Pulaski County Airport Board, after much discussion, objects to the proposed rule change on construction of broadcast station transmission facilities. MM Docket No. 97-182.

This change in the rules would effectively eliminate all protection for guidance systems at all airports, by allowing towers to be placed in any location around airports.

Sincerely,



MEL BURNS
Airport Manager

MB/jlm
CC Mr. Jesse Sams, Director
Division of Aeronautics
Commonwealth of Kentucky
Transportation Cabinet
Frankfort, KY 40622

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Robinson Community Airport Authority
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P. O. BOX 6
ROBINSON, ILLINOIS 62454

October 23, 1997

Office of the secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20544

Re: Comments on Notice of Proposed Rule Making; MM Docket No. 97-182


Dear Mr. Secretary;


Our airport serves an area of well over 500 square miles in south central, down state Illinois. The governing authority is a Board of Commissioners appointed by local elected officials.

It is the unanimous opinion of the Robinson Community Airport Authority Board of Commissioners that it would be a serious mistake for the FCC to assume preemptive powers over the states and local government units with regard to the regulation of communication tower location and height. Not only would this action likely face defeat before the federal appellate court but it could create serious aviation safety problems.

Presently the FAA will not place limits on tower height or placement and it is up to local and state airport authorities to regulate such structures. The public rightly demands there be no impediments to aviation safety. These demands are louder and of far greater urgency than the arguments of the digital television and other broadcasters that they be allowed to erect their towers wherever it may be convenient.

Sincerely,


Mr. Harry Craig, Chairman
Board of Commissioners
Robinson Community Airport Authority


Mr. Don White, Secretary
Board of Commissioners
Robinson Community Airport Authority

Unicom
Courtesy Cars
80-87, 100-130 Oct. Gas, Jet Fuel
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Air Conditioned Public
Conference Rooms

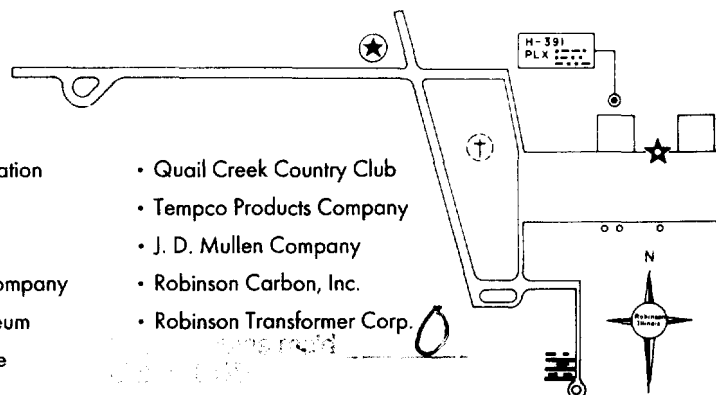


HOME OF

- Marathon Oil Company
- Leaf, Inc.
- Briggs Industries
- Robinson Correctional Center
- Dana Corporation - Victor Products
- Fair Rite Products

- E. H. Baare Corporation
- Trico Industries, Inc.
- Graves Industries
- Bradford Supply Company
- Bell Brothers Petroleum
- Lincoln Trail College

- Quail Creek Country Club
- Tempco Products Company
- J. D. Mullen Company
- Robinson Carbon, Inc.
- Robinson Transformer Corp.





Tulip City Air Service, Inc.

1581 South Washington Ave.
Holland, Michigan 49423
Ph: (616) 392-7831


Tulip City
Executive Express

Federal Communications Commission
FCC Dockets Branch
Room 239
Docket No. 97-296
1919 M Street, NW
Washington, DC 20554

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OCT 27 1997

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To whom it may concern:

The FCC is currently examining a proposal (Docket No. 97-296) which would remove the authority for state and local governments to determine what sites are suitable for the construction of 1,000 foot DTV towers. Any proposal to usurp the local zoning laws near airports compromises the safety of ALL AVIATION OPERATIONS. Without specific procedures in place to protect the safety of aviation activities near airports, the FCC jeopardizes the FAA's ability to effectively manage traffic at airports.

Furthermore, the bureaucracy necessary to properly survey and police the safe and efficient placement of such towers will be astronomical. So astronomical, in fact that it will not be done at all. It is for this reason that such decisions should remain at the local level of government. Only the local population and local government, with their intimate knowledge of the their area socially and geographically can make such decisions; decisions which will effect the local population, local aviation, local property values... The list goes on and on.

Please seriously consider leaving the power to make these decisions where it is; with the local governments.

Sincerely,

Linda Ludema
Secretary / Treasurer

0

PENNINGTON COUNTY – RAPID CITY PLANNING DEPARTMENT

300 Sixth Street, Rapid City, South Dakota 57701

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URBAN DIVISION
(605) 394-4120

TRANSPORTATION PLANNING
(605) 394-4120

RURAL DIVISION
(605) 394-2186

FAX (605) 394-6636

October 14, 1997

Mr. William F. Canton
Acting Secretary
Federal Communications Commission
Washington DC 20554

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OCT 27 1997
FCC MAIL ROOM

RE: Comments on Proposed Rulemaking, MM Docket No. 97-182

Dear Mr. Canton:

In regard to the above mentioned Docket item, I am writing to request that the Federal Communications Commission (FCC) uphold the decision making authority of local government to plan, review and make determinations in regards to transmission facilities in our community. The preemption of state and local zoning and land use restrictions on the siting, placement and construction of broadcast station transmission facilities is not in the best interest of communities and planning jurisdictions throughout this nation.

A ruling of non-support by the FCC in this matter would allow local and state officials to continue to review development requests affecting our communities here in our communities. The issues regarding the siting of communication towers will vary from site to site as well as area by area. Who better than the local jurisdictions in the affected area, could review these proposals on a case by case basis? Who better than the local jurisdiction could make decisions that will affect our community long in the future?

Please uphold the decision making authority of local government to plan, review and make determinations in regard to transmission facilities in our community and rule against the proposed rulemaking in the matter of **Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities.**

Sincerely,



Gale Holbrook
Chairman, Pennington County Board of Commissioners



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OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

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OCT 27 1997

FCC MAIL ROOM



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ST. CLAIR COUNTY BOARD

10 Public Square • Room B561 • Belleville, Illinois 62220-1623

JOHN BARICEVIC
CHAIRMAN

(618) 277-6600
FAX: 277-2868

October 21, 1997

Federal Communications Commission
1919 M Street NW
Washington, D. C. 205554

Re: Docket No. 97-182

Gentlemen:

St. Clair County opposes federal preemption of local zoning as it relates to broadcast towers. Reasonable local siting authority is necessary to insure safe residential neighborhoods that maintain a non-business atmosphere.

Local government, not the FCC, is best suited to reasonably siting towers.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Baricevic", is written over the typed name.

JOHN BARICEVIC, Chairman
St. Clair County Board

JB/mw

cc: Hon. Jerry F. Costello
Hon. John Shimkus
Hon. Richard Durbin
Hon. Carol Mosley-Braun

10/27/97
LISA A. HILL



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Wisconsin Aviation, Inc.

Corporate Headquarters
Watertown Municipal Airport, 1741 River Drive
Watertown, Wisconsin 53094
1-800-657-0761

October 22, 1997

Federal Communications Commission
FCC Dockets Branch, Room 239
Docket No. 97-296
1919 M Street, NW
Washington, DC 20554

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OCT 27 1997
FCC MAIL ROOM

Subject: FAA Docket No. 97-296 (NPRM)

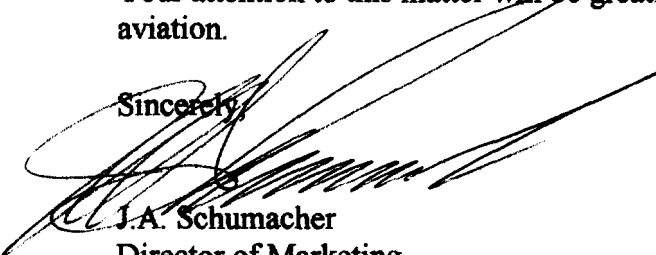
It has come to our attention that the FCC has published a NPRM which grants the FCC the authority to preempt state and local zoning laws currently in place to prevent construction of large structures in close proximity to airports. The rule further provides no exception to this authority.

As the largest fixed-base operator in Wisconsin operating three airports, we are very concerned that the rapid development of digital television (DTV) 1,000-foot antenna towers could interfere with the safety of aircraft if erected in or near aircraft approach/departure lanes. Our communities establish zoning laws to prevent the construction of tall buildings and other towering structures near airports. There is no recognition in the proposal that often the only means to prohibit construction of obstacles near airports are the very state and local zoning ordinances the proposal will allow the FCC to preempt.

We want to emphasize that we are extremely concerned that the FCC proposes to remove authority for state and local governments to determine what sites are suitable for the construction of 1,000-foot DTV towers. Any proposal to usurp local zoning laws near airports compromises the safety of all aviation operations. Without specific procedures in place to protect the safety of aviation activities near airports, the FCC jeopardizes the FAA's ability to effectively manage traffic at airports and deteriorates the ability of the industry and the FAA to provide safe air transportation. We are adamant and enjoin the FCC to adhere to all zoning laws enacted to prohibit construction of these structures near airports.

Your attention to this matter will be greatly appreciated and can only enhance the safety of aviation.

Sincerely,


J.A. Schumacher
Director of Marketing

JAS/jms

WATERTOWN MUNICIPAL AIRPORT
(920) 261-4567

DANE COUNTY REGIONAL AIRPORT
(608) 249-2189

DODGE COUNTY AIRPORT
(920) 386-2402



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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OCT 27 1997

FCC MAIL ROOM

Office of the Mayor
300 Sixth Street

605-394-4110

Fax: 605-394-6793

October 21, 1997

DOCKET FILE COPY ORIGINAL

Mr. William F. Canton, Acting Secretary
Federal Communications Commission
Washington, DC 20554

RE: Comments on Proposed Rulemaking, MM Docket No. 97-182

Dear Mr. Canton:

In regard to the above mentioned Docket item, I am writing to request that the Federal Communications Commission (FCC) uphold the decision making authority of local government to plan, review and make determinations in regards to transmission facilities in our community. The preemption of state and local zoning and land use restrictions on the sitting, placement and construction of broadcast station transmission facilities is not in the best interest of communities and planning jurisdictions throughout this nation.

A ruling of non-support by the FCC in this matter would allow local and state officials to continue to review development requests affecting our communities here in our communities. The issues regarding the sitting of communication towers will vary from site to site as well as area by area. Who better than the local jurisdictions in the affected area, could review these proposals on a case by case basis? Who better than the local jurisdiction could make decisions that will affect our community long in the future?

*Please uphold the decision making authority of local government to plan, review and make determinations in regard to transmission facilities in our community and rule against the proposed rulemaking in the matter of **Preemption of State and Local Zoning and Land Use Restrictions on the Sitting, Placement and Construction of Broadcast Station Transmission Facilities.***

Sincerely,

Jim Shaw, Mayor
Rapid City, S. D.



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FCC MAIL ROOM

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October 20, 1997

Mark C. Ramey
239 South Spokane Ave.
Newcastle, WY 82701

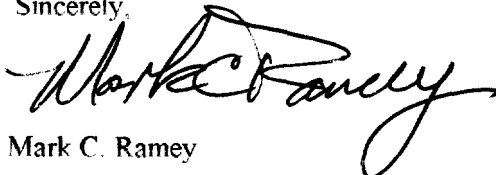
Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Dear Secretary:

I am writing you to express my concern regarding the proposed rulemaking being undertaken by the FCC in the matter of **Preemption of State and Local Zoning and Land Use and Restrictions on the Siting, Placement and Construction of Broadcasting Station Transmission Facilities (MM Docket No. 97-182)**.

I, as a concerned pilot and citizen, feel that the implementation of this rule would greatly effect the safety of air travel by creating obstructions to air navigation and potential interference with electronic navigational aids. Zoning around airports is designed to reduce these hazards to the flying public. By implementing such a proposal, it would defeat the purpose of prohibiting such hazards through zoning. Therefore, I urge you to strongly consider opposing such rulemaking.

Sincerely,


Mark C. Ramey

No. of Copies rec'd _____
Ltr ABCD _____

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